

REMARKS

The Office Action dated May 18, 2005 has been carefully considered. The allowance of claims 17, 18, 20-25, 31-42, 44, and 65-70 is noted with appreciation as is the allowability of claims 11, 12 and 62. For the reasons set forth hereinafter, the rejections of claims 6-10, 61 and 63 are respectfully traversed, whereby withdrawal of the claim rejections and allowance of the claims is respectfully solicited.

The rejection of claims 6-10, 61 and 63 as being unpatentable under 35 U.S.C. § 103(a) over Niermann '974 in view of Samuelson '238 is respectfully traversed. In this respect, claim 6 requires that the pair of central ribs of applicants' tape guide extend from the inner end of the bottom of the dispensing arm and terminate at the outer end thereof. To provide Niermann '974 with such ribs as contemplated by the examiner would not be a modification of Niermann which would be obvious to one skilled in the art. More particularly in this respect, as is clear from Figures 3 and 16 of Niermann and column 7 of his specification, line 58 to column 8, line 4, arms 80 and 82 and blade support wall 84 which define Niermann's dispensing arm intentionally provide a window 86 through which a user's finger is extended to press tape being dispensed against an underlying surface. To provide Niermann's dispensing arm with ribs extending from the inner to the outer end of the arm, as recited in claim 6, would block the passage of a person's finger through window 86 and would render Niermann's dispenser inoperable for the intended purpose with respect to window 86. As is clearly set forth in MPEP Section 2143.01, if a proposed modification would render a prior art invention unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

For the foregoing reasons, it is respectfully submitted that claim 6 patentably distinguishes from Niermann '974 in view of Samuelson '238, whereby withdrawal of the rejection and allowance of claim 6 is in order and is respectfully requested. The remaining claims rejected, namely claims 7-10, 61, 63, and 64 are all dependent from claim 6 and, therefore, patentably distinguish from the prior art for the same reasons as claim 6 and are allowable. Accordingly, withdrawal of the rejections and allowance of claims 6-10, 61, 63,

and 64 and allowance of these claims is respectfully requested together with claims 11, 12 and 62 indicated in the Office Action to be allowable.

An earnest effort has been made to place this application in condition for allowance which is respectfully solicited.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 6-12, 17, 18, 20-25, 31-42, 44, and 61-70) are now in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

June 20, 2005

Date

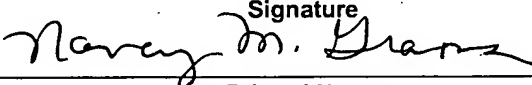
Thomas E. Young

Thomas E. Young, Reg. No. 28,924
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

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